

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Lynn McCoy,  
on behalf of M.B.

Case No. 3:15 cv 1284

Plaintiff,

v.

MEMORANDUM OPINION  
AND ORDER

Commissioner of Social Security,

Defendant.

Pending before me is the Report and Recommendation of the Magistrate Judge filed on January 5, 2016, in the above-entitled action. (Doc. No. 12). As noted by the Magistrate Judge, this case was filed in June 2015. The Magistrate Judge granted the *pro se* Plaintiff additional time to file her brief in support and noted within its order that failure to comply with the order might result in dismissal of the case. (Doc. No. 11). The Magistrate Judge's Report and Recommendation recommends a dismissal without prejudice.

Under the relevant statute:

Within fourteen (14) days after being served a copy of these proposed Findings and Recommendation, any party who wishes to object must file and serve written objections or further appeal is waived.

*United States v. Campbell*, 261 F.3d 628 (6th Cir. 2001) (citation omitted); *see also* 28 U.S.C. § 636(b) (1).

Plaintiff filed an objection on January 21, 2016 (Doc. No. 13), to the Report and Recommendation seeking additional time to acquire counsel. In the five months since that objection was filed, the docket does not reflect further communication from the *pro se* Plaintiff to

report progress on her efforts. There is simply nothing on the record to indicate, at least from the Plaintiff's perspective, that the litigation can be moved forward in a timely manner.

Additionally, the recommendation of the Magistrate Judge is to dismiss this case without prejudice. This means the dismissal is "without the loss of any rights." BLACK'S LAW DICTIONARY 1740 (9<sup>th</sup> ed. 2009).

Following review of the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation (Doc. No. 12) in its entirety as the Order of the Court. The Plaintiff's objections are overruled. This case is dismissed without prejudice for failure to prosecute.

I further certify, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

So Ordered.

s/ Jeffrey J. Helmick  
United States District Judge